

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL DEVIN FLOYD,

Plaintiff,

v.

SABER FITNESS HEGENBERGER, LLC,

Defendant.

Case No. 24-cv-01278-TSH

DISCOVERY ORDER

Re: Dkt. No. 99

In ECF No. 94, the Court ordered the parties to file a further joint discovery letter brief no later than April 11, 2025, setting forth their views on whether Defendant's amended responses to Plaintiff's interrogatories ("rogs") 2-5 in set two and Defendant's supplemental responses to Plaintiff's requests for production ("RFPs") 2 and 3 in set two are sufficient. The parties filed that further joint discovery letter brief at ECF No. 99.

In that brief, Plaintiff disputed that the responses to rogs 3, 4 and 5 are sufficient. Defendant disagreed that its response to rog 3 is deficient but also said it will provide a further supplemental response. Defendant stood on its responses to rogs 4 and 5.

As for RFPs 2 and 3, Plaintiff stated the responses are not sufficient. He observed there are no check-ins from December 8, 2021 to December 27, 2021, but there are notes in the system dated December 14 and 20, 2021, which imply he must have checked in. He also noted that the club identifier number is redacted. Plaintiff said he needs unredacted versions of the 2021 Bay Area check-ins. Defendant said it has produced all presently known documents related to Plaintiff's check-ins. Defendant said it is amenable to providing unredacted check-ins with a legend for the clubs, and Defendant proposed to do that by April 18, 2025. For RFP 3, Defendant proposed to produce what it has, if anything, by April 18, 2025.

1 Plaintiff also requested a deadline for Defendant to comply with the Court's discovery
2 orders at ECF Nos. 90 and 94.

3 For the rogs, the Court will need to see Defendant's answers to rogs 3-5 to determine if
4 they are sufficient. The Court understands Defendant may have supplemented its response to rog
5 3. For the RFPs, Defendant can only produce what it has. The Court finds that Plaintiff is entitled
6 to unredacted check-ins and **ORDERS** Defendant to produce the check-ins without redactions if it
7 has not done so already. April 18, 2025 was the close of fact discovery, and accordingly, the
8 Court's discovery orders should certainly have been complied with by then.

9 Accordingly, the Court **ORDERS** the parties to file a further joint discovery letter brief by
10 April 30, 2025 stating their views on whether Defendant's responses to rog 3 and RFPs 2 and 3 are
11 now sufficient and attaching Defendant's responses to rogs 3-5 and RFPs 2 and 3.

12 **IT IS SO ORDERED.**

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14 Dated: April 24, 2025

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16 THOMAS S. HIXSON
17 United States Magistrate Judge
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